

From: Greg Johnson
To: Microsoft ATR
Date: 1/23/02 4:45am
Subject: Microsoft Settlement

Dear Sir,

This letter is to let you know of my opposition to the Microsoft Settlement of the anti-trust trial. I feel that the currently proposed settlement will do nothing to protect the consumer from the misuse and abuse of Microsoft's monopoly power.

Nothing in the provisions have any 'teeth' to prevent Microsoft from continuing to use its established monopoly in the Operating System market to leverage and obtain a monopoly in other markets. The technical comitee, while having investigative powers, does not have any enforcement powers except through a Judge - where Microsoft has proven itself willing and able to delay and appeal any final judgement for as long as possible until the product is already released to the public, competitors are bankrupt, and the damage is done. Unless the technical commitee has the power to enforce the provisions (without appeal or until an appeal overrides them) - including the ability to prevent the release of a Microsoft product I am afraid that they are only a paper tiger.

There are also several other problems with the proposal relating to the Windows API, knowledge of which is _required_ in order for a competitor to produce a product which competes with a Microsoft product (such as Internet Explorer and Office). While it requires that the APIs be publicized it allows Microsoft to either change the APIs just before shipping the product or to place such restrictions on the use of the publicised APIs that a competitor cannot use it without serious cost (for example having 2 seperate development teams) which would need to be reflected in the final price of their product.

Microsoft's behavior since the anti-trust trial has not changed.

And I totally reject the idea that the anti-trust trial is 'hurting' the economy. Or 'caused the dot-com crash' (as stated by a representative from my own state - Washington). Microsoft itself is hurting the economy by preventing innovation and the creation of new ideas and products due to its secret APIs (which the provisions do not fully

address), changing file formats which also the provisions fail to address, OEM License 'requirements' (I do not call the agreements), the EULA, and fear that 'Microsoft will just steal the idea and then change their APIs so that my product will no longer work...!'

What I think should happen?

- 1) Require Microsoft to public *all* APIs and file formats in a product 6 - 9 months before its release _and_ delay the release until that time has passed after the APIs have been changed.
- 2) Prevent Microsoft from requiring 'per-seat' licensing from enterprises (Corporations, Businesses, etc.....).
- 3) Treat Microsoft as a 'essential utility' much like the telephone company was and regulate it - or at least the portion of Microsoft which is a Monopoly (Windows and possible Office).
- 4) Give the technical committee the power to punish microsoft (by preventing the release of a product or by requiring documentation be publicised openly, or by changing the language of any license agreements).

Hmm... In conclusion I feel that the conduct of Microsoft during the Anti-Trust trial (introducing bogus and fraudulent videos, lying, etc...) treated the court, and the US Justice system with contempt.

I do not feel that the DOJ should come to an agreement just for agreement sake.

That is all I have to say.

Thank you for this opportunity to

I would urge the DOJ to review the Findings of Fact before signing off on this agreement and check of which if the findings the provisions fully address.

--- Greg Johnson

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